

(SRI K. PUTTASWAMY)

It is not true that the students entered the Medical College and compelled the authorities to close the College on 24th January 1969. However, a few students of the Medical College requested the authorities to suspend the classes and the Dean of the College obliged them by closing the College only for 25th January 1969.

When it was brought to the notice of the police that Cow dung was thrown on Boards in Marathi at Marathi Galli, Belgaum, necessary enquiry was made. The enquiry revealed that some unknown miscreants threw cow dung on 4 or 5 such boards at Marathi gal'i, but, no damage was done to the Boards and that only cow dung was seen smeared on the Boards. No complaint has been lodged with the police in this behalf; nor could anybody throw light as to who the miscreants were. Police men have been posted in the locality to prevent any recurrence of such incidents.

It is not true that the Kannada students of Benyan Smith High School took out a procession on 25th January 69 and threw stones on the Rickshawnear Bogarvesa at the instigation and under the protection of the police. The Benyan Smith High School functioned as usual on 25th January 1969.

The situation in Belgaum City is reported to be peaceful. All Educational Institutions are functioning normally except the Lingraj College and Medical College which did not work on 24th and 25th January 1969 and 25th January 1969 respectively. Intensive police patrolling continues throughout the City and the life is quite normal.

Mr. SPEAKER.—With this explanation I withhold my consent for the adjournment motion given notice by Sri B. B Sayanak.

Speaker's Ruling *re* : withholding information by Government in respect of admitted questions

Mr. SPEAKER.—I had promised to give ruling to the Hon. House on a point of order raised by hon. Member Mr. Nagappa.

On 16th January 1969 there was a question in the name of Shri M. S. Krishnan about Central Government employees' strike. Clause (d) of the said question sought information as to whether there were any circulars/instructions/advice received by the State Government from the Central Government to review the cases and withdraw them. In reply to the said portion of the question the answer was that it would not be in public interest to disclose the information. Sri M. S. Krishnan took objection to this answer. The Speaker stated when the Government claimed that it could not be disclosed in public interest, that was the last word and that no further question could be put. At the end

of the question hour Sri M. Nagappa raised a point of order stating that when once the Speaker had admitted a question it became the prestige and order of the Speaker and that every letter of the Speaker had to be complied with by the Minister. According to Sri M. Nagappa the Minister could not say that it was not in public interest to disclose the information. In support of his contention, he quoted a ruling of the Andhra Pradesh Legislative Assembly. I promised to look into the matter and give a considered ruling.

I have carefully considered the matter. I have consulted several authorities including the ruling cited by Sri M. Nagappa. There is a long chain of rulings of the House of Commons and Lok Sabha to the effect that an answer to a question cannot be insisted upon if the Minister refuses to answer on the ground of public interest and the Speaker has refused to allow supplementary questions in the circumstances it has been held that the refusal of a Minister to answer a question on the ground of public interest cannot be raised as a question of privilege. A question is not generally disallowed by the Speaker on the ground that it is not in public interest to disclose the information. It is for the Minister to refuse to answer a question on the plea of public interest. On July 28, 1956 in Lok Sabha when a Member asked whether the Chair had any voice in determining whether something was in public interest or not, the Speaker observed as follows :

“Normally it is the function of Government to see what ought to be disclosed and what ought not to be disclosed. The Speaker does not sit in judgement over that.”

On 3rd April 1937, a question was asked in the Central Assembly as to whether Government would be pleased to lay on the Table a list of books and publications forfeited by them in the Centrally Administered areas. Then the Minister answered that it was not in public interest that he should lay the list of forfeited books and publications on the Table. A question was raised by another Member as to what was the public interest in the matter. The then President (Hon. Sir Abdul Rahim) observed as follows :

“The Chair understands public interest is a well-known phrase, but whether a particular matter is or is not in public interest, it is entirely for the Government to Judge”.

On 10th August 1953, the Deputy Speaker of Lok Sabha observed as follows in a similar case :

“It is open to the Government to consider whether a matter is confidential or not. The Chair does not insist upon placing the matter before the House or disclosing it.”

Sri A. R. Mukherjea in his text book “Parliamentary Procedure in India” has stated as follows :

“A Minister is not bound to answer a question, and the Presiding Officer has no power to compel a Minister to answer

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a question or to answer it in any particular way. In the British House of Commons a Minister is not bound to answer a question if it is not in the public interest to do so. The same practice is followed in India, and Ministers answer questions unless they think that the public interest would suffer by answering the question."

On 1st March 1961 when a point arose in the House of Commons the Speaker observed as follows :

"The Rule is that if a Minister says that he will not answer on security grounds, that is a permitted ground for refusal. It was for that reason and no other that I called the next question, and I am afraid that I must persist in what I said"

It is the duty of the Speaker to examine every question under the Rules. If the questions fulfil the conditions laid down in the rules, they are admitted and if they do not, they are disallowed. At this stage, the Government does not come into the picture. If at the time of reply the Minister thinks that it is not in public interest to disclose the information, he would be perfectly within his rights to refuse to reply, on that ground. The admission of the question by the Speaker does not mean that the Minister can be compelled to answer a question when public interest demands refusal to answer. Further it may also happen that the ground for refusal such as sub-judice, to answer a question may intervene after the question is admitted and before it is actually answered.

In view of the above position, I am afraid, I cannot agree to the precedent cited by Sri Nagappa and I am unable to uphold his point of order. The position stated by me when this matter was raised holds good.

Sri K. H. PATIL.—May I submit to the Chair and seek a clarification, Sir ! Suppose a Minister with a file in his hands discloses certain portion of information contained in the file and deliberately refuses to answer it in full. Will it not amount to breach of privilege of a Member ? Asking of questions is a privilege of the Hon'ble Members and it cannot be lightly brushed aside. The Ruling given by the Chair is to rightly strengthen the hands of the Ministers and in the context of the ruling given just now, it would be very difficult for the Hon'ble Members of Opposition to seek information that is required in the interest of the public welfare. Therefore, my humble submission to the Chair is to give a considered clarification later on that no Minister, unless it is so necessary in the interest of the public, should hide any information from the knowledge of the member. The Hon'ble Members are equally important and sometimes more important than the Ministers

in the interest of the welfare of the State, and therefore, every information that is available within the arms of a Minister should be disclosed, because as an Hon'ble Member I have no access to the file and I cannot get the file and look into it. The only course open to me is to put a question and seek information.

Therefore, my humble submission to the Hon'ble Chair is, to give a considered clarification on this ruling given by the Chair, and if need be, constitute a committee of learned persons and thereafter a the rough ruling may be given. When the Hon'ble Chair has given a ruling, I do admit, that we adhere to it, but let not that ruling create an impression in the minds of Hon'ble Ministers that hiding any information will not at all bring them into any difficulty.

SRI M. NAGAPPA.—Sir, I know whether the Hon'ble Chair has differed with the ruling I had cited in support of my contention on this point, Sir. The ruling that I had cited has been given by the Speaker of the sister Assembly of Andhra Pradesh.

MR. SPEAKER.—I have considered that and I have stated in my ruling that it does not follow the many authorities I have quoted on the subject and therefore I have differed from the ruling the Hon. Member Sri Nagappa has cited.

SRI H. M. CHANNABASAPPA.—Sir, it is no doubt in order for the Government to plead its inability to disclose certain information in public interest. Well, the Hon' Chair also is perfectly in order in having given that ruling. But what constitutes a matter of public interest is the thing that causes annoyance to Members of this House.

2-00 P. M.

In a democratic set up, administration cannot be run keeping information from the public and particularly from the members of the Assembly. Only matters of grave importance, the disclosure of which would endanger the security of the State or security of the nation and such things may constitute matters of confidence which they need not disclose to the House or to the country. If this ruling is taken advantage of by the Government, everything that they do not want to disclose, will become a matter of confidence and it would be very difficult for democracy to function. It would be very difficult for the Members of the Assembly to know what the position is, so that they may build up their arguments for or against. Therefore I submit that this House should prescribe what would constitute matters of public interest which cannot be disclosed and what should not. Therefore, I would submit Sir, that in the interest of the proper working of democracy, it is desirable that a high power committee of this House be constituted to prescribe what exactly would constitute a matter of public importance which should not be disclosed by the Government.

Mr. SPEAKER.—I have heard Sri K. H. Patil and Sri H. M. Channabasappa. The points raised by them are covered by the ruling already given. Probably because I read it rather fast, they have not been able to follow it completely. If they want, a copy of the ruling would be furnished to them. They will find from that ruling that all the points raised by them now are fully considered.

As regards setting up of a committee, I do not think any committee is necessary to go into this matter. These are matters on which there are a good number of rulings, and parliamentary conventions over tens of years. These are not new things. It is rather surprising to me that a senior member like Sri H. M. Channabasappa, who had acted as Minister on several occasions, should suggest this idea. The position is absolutely clear. It is beyond any doubt. I am not stating anything new. I gave very anxious consideration to the points raised, examined the rulings and proceedings of the House of Commons, the Lok Sabha and other Sister Legislatures, and I have followed them in giving this ruling. Therefore the question of setting up a committee does not arise. If it is a decision of the House, then it is a different matter. The Chair cannot set up any committee by itself.

As regards questions arising from time to time, every question will have to be decided on its merits.

Now the matter should rest at this and the ruling given by me stands. It is in consonance with the accepted conventions and principles followed throughout the world where parliamentary democracy is prevailing.

Sri H. M. CHANNABASAPPA.—I am not questioning the ruling of the Chair. What exactly is a matter of confidence should be decided by a committee of the House. That is my suggestion. My idea is that it should not be left exclusively to the Ministers.

Mr. SPEAKER.—Then the House has to pass the law accordingly.

Sri H. M. CHANNABASAPPA.—I am sufficiently armed with the knowledge as to what I should do and what I should not do. A suggestion need not come from the Chair on this point. I had to rise because the Hon. Chair was pleased to remark that it is surprising that a senior Member like Channabasappa should be making a suggestion like this. In my humble opinion, it is only the senior member that should raise such questions. Younger members cannot raise this point.

Mr. SPEAKER.—I think the emotion exhibited by the hon. Member is a sign of his impatience.

Sri H. M. CHANNABASAPPA.—The Chair will have to take back these words. It is a reflection on the member concerned. The Chair should consider the matter before using such words.

Mr. SPEAKER.—I never doubted. Instead of moving the matter with the Chair, it is for the hon. Member and more so a senior Member like Sri Channabasappa to take the proper course. I am not in a position to appoint any committee.

† ಶ್ರೀ ಎಸ್. ಬಂಗಾರಪ್ಪ (ಸೋರಬ).—ಸ್ವಾಮಿ ಅಧ್ಯಕ್ಷರೇ, ಈಗ ತಾವು ರೂಲಿಂಗ್ ಕೊಟ್ಟಿದ್ದರಲ್ಲಿ ನಮ್ಮ ದೇನೂ ಅಭ್ಯಂತರವಿಲ್ಲ. ಏಕೆಂದರೆ ಈ ವಿಷಯದಲ್ಲಿ ಇದೇ ರೀತಿ ಮಾಡಬೇಕೆಂದು ಹೇಳತಕ್ಕ ಕಟ್ಟುನಿಟ್ಟಾದ ನಿಯಮವೇನೂ ಇಲ್ಲ. ಮಾಡಿದ್ದೇವೆ ಅದನ್ನು ಅನುಸರಿಸಿಲ್ಲ ಎಂದು ಹೇಳಿದ್ದನ್ನು ಒಪ್ಪುತ್ತೇನೆ. ಯಾವುದಾದರೂ ಒಂದು ವಿಷಯ in the interest of the Public ಡಿಸ್‌ಕ್ಲೋಸ್ ಮಾಡಬೇಕೇ, ಮಾಡಬಾರವೇ ಎಂಬ ಬಗ್ಗೆ ಪರಿಶೀಲನೆ ಮಾಡುವುದಕ್ಕೆ ಒಂದು ಕಮಿಟಿ ಸೆಟ್ ಅಪ್ ಮಾಡುವುದು ಒಂದು ಕನ್‌ವೆನ್‌ಷನ್ ಆಗುತ್ತದೆ, ಉದಾಹರಣೆಗೆ ತಾವು ಮೈಸೂರು ರಾಜ್ಯದ ಶಾಸನಸಭೆಯ ಅಧ್ಯಕ್ಷರಾಗಿ in the interest of the public ಯಾವುದು ಡಿಸ್‌ಕ್ಲೋಸ್ ಮಾಡಬೇಕು ಯಾವುದು ಮಾಡಬಾರದು ಎಂಬ ಬಗ್ಗೆ ಒಂದು ಕಮಿಟಿ ರಚನೆ ಮಾಡಿ, ಅವರು ಇದನ್ನೆಲ್ಲಾ ಪರಿಶೀಲನೆ ಮಾಡಿ ಅವರಿಂದ ಒಂದು ವರದಿಯನ್ನು ತೆಗೆದು ಕೊಂಡರೆ ಅದು ಒಂದು ಕನ್‌ವೆನ್‌ಷನ್ ಆಗುತ್ತದೆ. ಇದು ಬೇರೆ ಸ್ಪೆಷ್ ರೆಜಿಸ್ಲೇಷನ್‌ಗಳಿಗೂ ಮತ್ತು ಪಾರಿಮೇಂಟಿಗೂ ಕೂಡ ಸಹಾಯಕವಾಗಬಹುದು, ಅವರೂ ಕೂಡ ಇದನ್ನು ರೆಫರ್ ಮಾಡಬಹುದು. ಆ ದೃಷ್ಟಿಯಿಂದ ಕನ್‌ವೆನ್‌ಷನ್ ಆಧಾರದ ಮೇಲೆಯೇ ತಾವು ಒಂದು ಕಮಿಟಿ ಸೆಟ್‌ಅಪ್ ಮಾಡಿದರೆ ಅದು ಒಂದು ಕನ್‌ವೆನ್‌ಷನ್ ಆಗುತ್ತದೆ. ಅದು ಎಲ್ಲರೂ ಒಪ್ಪತಕ್ಕ ವಿಷಯವಾಗುತ್ತದೆ.

Mr. SPEAKER.—I have nothing to add. I have already answered this point.

Use of word “Gulam” in the House

ಶ್ರೀ ಬಿ. ರಾಜಯ್ಯ (ವ್ಯವಸಾಯ ಶಾಖೆಯ ಮಂತ್ರಿಗಳು).—On a point of order. Sir, ಸ್ವಾಮಿ, ಶ್ರೀಮಾನ್ ಅಜೀಜ್ ಸೇಟ್‌ರವರು ಸರ್ಕಾರಿ ನೌಕರರನ್ನು “ಗುರಾಮರು” ಎಂದು ಹೇಳಿದುದಲ್ಲದೆ ಅದರಲ್ಲಿ ಇನ್ನೂ ಕೆಲವು ಸರ್ಕಾರಿ ಪದ್ಧತಿಗಳು ಎಂಬ ಹೇಳಿದ್ದಾರೆ. ಈ ಸಂದರ್ಭದಲ್ಲಿ ನಾನು ಅಧ್ಯಕ್ಷರಲ್ಲಿ ವಿರೂಪಾಕ್ಷಕೊಳ್ಳುತ್ತಿರುವುದೇನೆಂದರೆ ಹೀಗೆ ಇಲ್ಲಿ ಪದಗಳನ್ನು ಉಪಯೋಗಿಸುತ್ತಿದ್ದರೆ ಇದು ಸಭೆಗೆ ಮರ್ಯಾದೆಯನ್ನು ತರುವುದಿಲ್ಲ. ಸರ್ಕಾರಿ ನೌಕರರೂ ಗುರಾಮರೇ ನೀವು ಸರ್ಕಾರದವರೂ ಗುರಾಮರೇ ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಅದನ್ನು ಸರ್ಕಾರಿ ಕಾರ್ಯಕರಾಪಕ ವರದಿಯಿಂದ ತೆಗೆಸಿಹಾಕಬೇಕು ಎಂದು ಆರಿಕೆ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ.

ಶ್ರೀ ಅಜೀಜ್ ಸೇಟ್ (ನರಸಿಂಹರಾಜ).—ಸ್ವಾಮಿ, ಅಧ್ಯಕ್ಷರೇ, ಹಿಂದೆ ಈ ದೇಶ ಮತ್ತು ನಾವು ಎಲ್ಲರೂ ಆ ಬ್ರಿಟಿಷರಿಗೆ ಗುರಾಮರಾಗಿದ್ದೆವು. ಅವರು ಇಲ್ಲಿಂದ ಹೋದ ಮೇಲೆ ಇಲ್ಲಿ ಸ್ವರಾಜ್ಯ ಬಂದಿತು. ಪ್ರಜಾಪ್ರಭುತ್ವ ಆಡಳಿತ ಜಾರಿಗೆ ಬಂದಿದೆ. ಸರ್ಕಾರದಲ್ಲಿ ಕೆಲಸಮಾಡತಕ್ಕ ವರಲ್ಲರೂ ಜನರಿಗೆ ಗುರಾಮರು ಎಂದು ನಾನು ಹೇಳಿದೆ. ನಮ್ಮ ಉರ್ದು ಭಾಷೆಯಲ್ಲಿ “ಗುರಾಮ” ಅಂದರೆ ಸೇವಕ ಎಂದು. ಈ ಪ್ರಜಾಪ್ರಭುತ್ವಾಡಳಿತದಲ್ಲಿ ಸರ್ಕಾರದಲ್ಲಿ ಕೆಲಸಮಾಡತಕ್ಕ ಜನರು ಇಲ್ಲಿ ಸಭೆಯಲ್ಲಿ ಕುಳಿತು ಕೆಲಸಮಾಡುತ್ತಿರುವ ನಾವು ಎಲ್ಲರೂ ದೇಶದ ಪ್ರಜೆಗಳಿಗೆ ಸೇವಕರು ಅಂದರೆ ಗುರಾಮರು. ನಾವು ಇಲ್ಲಿಗೆ ಚುನಾಯಿತರಾಗಿ ಬರುವುದಕ್ಕೆ ಮುಂಚೆ ಜನರಲ್ಲಿ ಹೋಗಿ ತಾವೆಲ್ಲರೂ ನಮಗೆ ಒಟ್ಟುಕೂಡಿ, ನಾನು ತಮ್ಮ ಸೇವಕನಾಗಿ ಸೇವಿಸುವೆನು ಬಂದಿದ್ದೇನೆ—ಎಂದು ಜನರಿಗೆ ಅಲ್ಪ ಕೃತ್ಯ ಮುಗಿದು ಇಲ್ಲಿಗೆ ಆರಿಸಿ ಬಂದಮೇಲೆ ಇಲ್ಲಿ ನಾನು ಅವರ ಸೇವಕನಲ್ಲ ಅವರ ಮಾಸ್ತರ್ ನಾನು ಎಂದರೆ ಅವರು ನಾಳೆ ಪುಡಿ ಪುಡಿ ಮಾಡುತ್ತಾರೆ. ನಾವು ಎಲ್ಲರೂ ತನಕ ಇಲ್ಲಿ ಕುಳಿತು ಜನರ ಸೇವೆಯನ್ನು ದೇಶದ ಸೇವೆಯನ್ನು ಮಾಡುತ್ತೇವೆಯೋ ಅಲ್ಲವೋವೆಂಬ ನಾನೂ ಪ್ರಜೆಗಳಿಗೆ ಗುರಾಮನೆ ನಮ್ಮ ಪ್ಪ ನಮ್ಮ ಜನರೂ ಗುರಾಮರೆ. ಅದೇ ರೀತಿ ರಾಜಯ್ಯನವರು ಕೆಲಸಮಾಡಿದರೆ ಅವರೂ ಗುರಾಮರೇ—ಅವರ ಪ್ಪಾನೂ ಗುರಾಮನೆ, ಅವರ ಅಪ್ಪನೂ ಗುರಾಮನೆ. ನಾವು ಹಿಂದೆ ಒಬ್ಬ ರಾಜರಿಗೆ ಮಾತ್ರ ಗುರಾಮರಾಗಿದ್ದ ಕಾಲ ಹಿಂದೆ ಇದ್ದ ಕೃಷ್ಣರಾಜ ಒಡೆಯರು ಜಯಚಾಮರಾಜ ಒಡೆಯರ ಕಾಲಕ್ಕೇ ಅವೆಲ್ಲಾ ಹೋಯಿತು. ಅದರಿಂದ ಸರ್ಕಾರದಲ್ಲಿ ಕೆಲಸಮಾಡತಕ್ಕ ಬಿ.ಎ.ಎಸ್. ಅಧಿಕಾರಿಗಳೂ ಬಿ.ಪಿ.ಎಸ್. ಅಧಿಕಾರಿಗಳೂ, ತಹಶೀಲ್ದಾರರೂ, ಮತ್ತು ಕ್ಲಾಸ್ ನಾಲ್ಕರ ವರೆಗೂ ಎಲ್ಲರೂ ಜನರಿಗೆ ಗುರಾಮರೇ.